

AMENDMENT

between

THE COUNTY OF ERIE, a municipal corporation of the State of New York, having an office and place of business at 95 Franklin Street, Buffalo, New York 14202 (hereinafter referred to as the "County",)

and

MUBEENA A. BALTI, M.D., P.C., a for profit organization, under Laws of the State of New York, having its offices and principal place of business at 350 Alberta Drive, Amherst, New York 14226 (hereinafter referred to as the "Consultant")

WHEREAS, on or about January 1, 2012, the County entered into an agreement referenced by document number **13-639-HE** (the "Agreement") with Consultant pursuant to which Consultant was to provide approved cancer screening, diagnostic and treatment at its program enrolled sites; and

WHEREAS, the term of the Agreement was for a period of fifteen (15) months, commencing on January 1, 2012 and continuing through March 31, 2013, with an option to the parties to extend by mutual written consent for two additional periods of five years; and

WHEREAS, the County would like to exercise this first extension option for the period of April 1, 2013 through March 31, 2018.

WHEREAS, contrary to the intent of the parties, the Agreement stated that all medical records maintained in connection with Consultant services would belong to and remain the property of County.

NOW, THEREFORE, in consideration of the promises and covenants herein, the parties agree as follows:

1. The Agreement between the County and MUBEENA A. BALTI, M.D., P.C.. is hereby extended for a period of five (5) years commencing on April 1, 2013 and continuing through March 31, 2018.

2. Clause **THIRD** of the Agreement is hereby deleted in its entirety and replaced by the following:

THIRD: All medical records, case histories, films and regular files concerning inpatients and outpatients of the **MUBEENA A. BALTI, M.D., P.C.**, and its network of providers by Consultant during the term of this Agreement related to the performance of services as described in Schedule A shall belong to and remain the property of the Consultant; provided, however, that during the term of this Agreement and follow any terminating hereof, County shall, to the extent permitted under applicable laws governing confidentiality of medical records, have the right to inspect and be provided reproductions of such records. During the term of this Agreement, the parties shall allow each other reasonable access to their respective medical, financial and other records maintained in connection with the services provided pursuant to this Agreement, to the extent permitted under applicable laws governing the confidentiality of such records.

3. Except as hereby expressly modified and supplemented, the Agreement, as amended, is in all respects ratified and confirmed, and the terms and conditions thereof shall be and remain in full force and effect, and this Amendment and all of its terms, provisions and conditions shall be deemed to be a part of the Agreement.

4. This Amendment shall not be enforceable until signed by all parties and approved by the Office of the County Attorney.

5. This Amendment may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument

IN WITNESS WHEREFORE, the parties have set their hand and seal as of the date first set out above.

COUNTY OF ERIE

By: _____
MARK POLONCARZ/RICHARD TOBE
County Executive/Deputy County Executive

Date: _____

APPROVED AS TO CONTENT:

By: (Electronically Signed) _____
GALE R. BURSTEIN, M.D., M.P.H.
Commissioner
Erie County Department of Health

Date: _____

Approved as to form:

By: (Electronically Signed) _____
GREG P. KAMMER
Assistant County Attorney

Date: _____

MUBEENA A. BALTI, M.D., P.C.,

By: Mubeena A. Balti
MUBEENA A. BALTI
Title: M.D.

Date: 1-6-14

Khristeena Kingsley CNM, WHNP
 M. Yousuf Fazili, MD
 Michael C. Moore, MD
 Millard Fillmore Hospital Gates Circle
 Millard Fillmore Suburban Hospital
 Mount St. Mary's Hospital of Niagara Falls
 Mubeen A. Balti, MD
 Naureen A. Mohamed, MD
 Niagara Falls Memorial Medical Center
 Northwest Buffalo Community Health Care Center
 Nurse Midwifery Assn of Western NY
 Parkland Diagnostic Imaging
 Planned Parenthood of Western New York
 Premier Family Physicians
 ProPath Services
 Quest Diagnostics of Pennsylvania
 Roswell Park Cancer Institute
 Saleh A. Fetouh, d/b/a – Breast Screening of WNY
 Seneca Nation of Indians Health d/b/a – Cattaraugus Indian Reservation
 Sheenan Memorial Hospital
 Sisters of Charity Hospital
 Southtowns Gastroenterology
 Southtowns Radiology Associates
 Southtowns Women's Group
 Spectrum Radiology Associates
 Sterling Surgical Center
 TLC Health Network
 Transit Imaging & MRI Associates of Buffalo, PC d/b/a Transit Imaging
 UB Family Medicine, Inc. – Jefferson Family Medicine
 Vivian L. Lindfield, MD, WNY Center for Breast Health
 Windsong Radiology Group
 X-Cell Laboratories of Western New York, Inc.

and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the RFP procedures in the case of these health and education professionals, and hereby waives the procedures outlined in Section 19.08 of the Erie County Administrative Code.

26. RESOLVED, that the County Executive is hereby authorized to enter into contracts with the New York State Departments of Health and Education for the operation of the Early Intervention, Preschool, and Children with Special Needs Programs; and be it further